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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,589	01/11/2002	Soeren H. Thomsen	29505/PF02187NA	4731

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EXAMINER	
EWART, JAMES D	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,589	THOMSEN ET AL.	
	Examiner	Art Unit	
	James D Ewart	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. The Applicant's arguments/remarks, filed 16 March 2004, it is agreed that Phillips is owned by Motorolla and can not be considered prior art under a 35 USC § 103 rejection. However, Examiner has found new art to replace the Phillips reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 28- 47 are rejected under 35 USC 103(a) as being unpatentable over Appelman et al. (U.S. Patent No. 6,539,421) and further in view of Ballard (U.S. Patent No. 6,727,916).

Referring to claim 28 Appelman teaches a communication device arranged to receive and display a real-time communication message (Figure 18), a method comprising: receiving a real-time communication message (Figure 18), determining a presence of a message creation reference in the real-time communication message (Figure 18; 624 and Column 8, Lines 64-65), the message creation reference indicative of a message creation event (Figure 18; 624 and Column 8, Lines 64-65); sorting the real-time communication message based upon the message creation reference in relation to message creation references associated with other received real-time communication messages (Figure 18; 624 and Column 8, Lines 64-65); and displaying the

real-time communication messages in relative position to the other received real-time communication messages (Figure 18; 624 and Column 8, Lines 64-65), but does not teach using a wireless communication device. Ballard teaches using a wireless communication device (Figures 2). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Appelman et al. with the teaching of Ballard of using a wireless communication device to transmit chat messages (Figure 3). Since the message is real-time and the time stamp can be configured as to when the message was sent as taught in Column 8, Lines 64-65, Examiner equates the combination of real-time messaging with the indication of when the message was sent with message creation reference. In addition, since the figure shows an ordering based on the time stamp and column 8, Lines 61-65 indicates that: "the time stamp at which the message 616 was sent or received is shown in the time stamp field" sorting based on the message reference occurs.

Referring to claim 37, Appelman teaches a communication device comprising: a receiver to receive real-time communication messages (Figure 2 and 11) communicated by one or more communication devices (Figure 2 and 9); a memory (Figure 1) a display (Figure 1); a controller coupled to the receiver, the memory and the display (Figure 1), the controller being operable responsive to a control program stored in the memory to process received real-time communication messages to determine a presence in the real-time communication message of a message creation reference (Figure 12; 624 and Column 8, Lines 64-65) and to sort the real-time communication message based upon the message creation reference (Figure 12; 624 and Column 8, Lines 64-65), the message creation reference being indicative of a message creation event

(Figure 12; 624 and Column 8, Lines 64-65), to cause the real-time communication message to be displayed on the display in relation to other received real-time communication references (Figure 21), but does not teach using a wireless communication device. Ballard teaches using a wireless communication device (Figure 2). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Appelman et al. with the teaching of Ballard of using a wireless communication device to transmit chat messages (Figure 3). Since the message is real-time and the time stamp can be configured as to when the message was sent as taught in Column 8, Lines 64-65, Examiner equates the combination of real-time messaging with the indication of when the message was sent with message creation reference. In addition, since the figure shows an ordering based on the time stamp and column 8, Lines 61-65 indicates that: "the time stamp at which the message 616 was sent or received is shown in the time stamp field" sorting based on the message reference occurs.

Referring to claims 29 and 38, Appelman further teaches wherein the real-time communication message comprises one of an instant messaging message and a group chat message and the step of receiving the real-time communication message comprises receiving the instant messaging message or the group chat message (Figures 25-29).

Referring to claims 30 and 39, Appelman further teaches wherein the message reference comprises a real-time temporal reference associated with creation of the real-time communication message (Figure 12; 622). Since the messages only stay on the machine during the chat session, the T/F are equated with real-time temporal reference.

Referring to claims 31 and 40, Appelman further teaches wherein the message creation reference comprises one of a time stamp, a message identifier and a subscriber identifier associated with the real-time communication message (Figure 12; 624).

Referring to claims 32 and 41, Appelman further teaches wherein the message reference comprises a hash value (Figure 18; 674).

Referring to claims 33 and 42, Appelman further teaches wherein the hash value is associated with the real-time communication message based on an incoming message parameter (Figure 18; 674), the incoming message parameter being associated with a received real-time communication message from one or more wireless communication devices (Figure 18; 674).

Referring to claims 34 and 43, Appelman further teaches wherein the hash value is associated with the real-time communication message based on one of an incoming message number and a portion of incoming message content (Figure 18; 678), and wherein the incoming message number and the portion of incoming message content are associated with an incoming message from one or more wireless communication devices (Figure 21).

Referring to claim 35 and 47, Appelman further teaches wherein the steps of sorting and displaying the received real-time communication message are accomplished without user input (Figure 11; 410).

Referring to claims 36 and 44, Appelman further teaches wherein the step of sorting the received real-time communication message comprises sorting the real-time communication message relative to a plurality of real-time communication messages received during one of an instant messaging session and a group chat session (Figure 20).

Referring to claim 46, Ballard further teaches wherein the apparatus comprises one of an Intemet Protocol (IP) network and a General Packet Radio Services (GPRS) network (Column 7, Lines 21-30). The internet is an IP network.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
May 23, 2005

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600